

STATE OF MICHIGAN  
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

**MAG. HARRELL D. MILHOUSE**  
68<sup>th</sup> District Court  
630 S. Saginaw Street  
Flint, MI 48502

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Docket No.

**Formal Complaint No. 70**

**COMPLAINT**

The Michigan Judicial Tenure Commission (“Commission”) files this complaint against Harrell D. Milhouse, 68<sup>th</sup> District Court Magistrate, Flint, Michigan, Genesee County, Michigan. This action is taken pursuant to the authority of the Commission under Article VI, Section 30 of the Michigan Constitution of 1963, as amended and MCR 9.200 *et seq.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

Respondent is, and at all material times was, a magistrate of the 68<sup>th</sup> District Court in Flint, Michigan. As a magistrate, he is subject to all the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205. Respondent is charged with violating his judicial and professional duties as set forth in the following paragraphs.

## **Count I**

### **DISHONEST AND FRAUDULENT CONDUCT**

1. At all material times, Respondent was a magistrate of the 68<sup>th</sup> District Court, Genesee County, Flint, Michigan.
2. Respondent is a candidate for the office of judge of the 68<sup>th</sup> District Court in the general election in November 2002.
3. Respondent circulated nominating petitions, in order to get his name on the ballot, pursuant to statute.
4. In or about the first week in April 2002 Respondent gave 68<sup>th</sup> District Court Officer Suzette Hawkins four nominating petitions – one for her to circulate on his behalf and three for another individual, Ezell Grayson, who had volunteered to circulate petitions on Respondent's behalf.
5. Within the following week, Respondent telephoned Ms. Hawkins and told her to advise Mr. Grayson not to sign the bottom of the petitions.
6. Ms. Hawkins promptly called Mr. Grayson and told him not to sign the petitions per Respondent's request.
7. About a week before the deadline for the petitions, Respondent asked Ms. Hawkins to retrieve the petitions from Mr. Grayson so Respondent would be able to have an idea how many he had.
8. Ms. Hawkins gave Respondent the petitions Mr. Grayson had circulated on or about April 29, 2002. She pointed out that she had only obtained 10 signatures but that Mr. Grayson had managed to complete all three petitions. Respondent noted the petitions "were not signed." Ms. Hawkins reminded Respondent that he had asked her to tell Mr. Grayson not to sign the petitions in his possession.
9. Respondent told Ms. Hawkins she would have to sign the three petitions circulated by Mr. Grayson as well as her own. He then said, "no, that's all right," after which he stated, "yeah, you can sign them."

10. Ms. Hawkins signed her name to the three petitions she had not circulated pursuant to Respondent's instruction.
11. Ms. Hawkins later had a conversation with attorney Kenneth M. Scott in which she advised him what had transpired. Ms. Hawkins learned from Mr. Scott that she might have done something wrong by signing her name to the petitions she had not circulated.
12. Ms. Hawkins informed Respondent of her conversation with Mr. Scott. She asked Respondent to read the relevant part of the petition. He did so and Ms. Hawkins said, "so I could get charged with a misdemeanor for signing them..." Respondent acknowledged that was possible. He asked Ms. Hawkins what she planned to do. She replied that she intended to tell the truth if asked about it.
13. Respondent advised her that if asked he intended to say that as far as he knew, the people to whom he gave the petitions were the ones who circulated them and that he thought Ms. Hawkins had circulated them, notwithstanding his knowledge to the contrary. Ms. Hawkins informed him that he knew "damn well" who had circulated the petitions.

## **Count II**

### **PATTERN OF DISHONEST, FRAUDULENT CONDUCT**

14. Respondent was previously disciplined by the Michigan Supreme Court, on recommendation of the Commission and with Respondent's consent. *In re Milhouse*, 461 Mich 1280 (2000). In that matter Respondent knowingly created a false judicial record. The Supreme Court publicly censured Respondent and suspended him without pay for ten days, with credit for a 10-day suspension previously served, imposed by the 68<sup>th</sup> District Court.
15. The allegations in paragraphs 1 through 14, if true, constitute:
  - (a) Misconduct in office as defined by Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended;

- (b) Conduct clearly prejudicial to the administration of justice as defined by the Michigan Constitution 1963, Article VI, §30 as amended, MCR 9.205, as amended, and MRPC 8.4(c);
- (c) Failure to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved as described in the Code of Judicial Conduct, Canon 1;
- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, contrary to the Code of Judicial Conduct, Canon 2A;
- (e) Failure to respect and observe the law and to conduct oneself at all times in a manner that promotes public confidence in the integrity of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B;
- (f) Allowing social or other relationships to influence judicial conduct or judgment, in violation of the Code of Judicial Conduct, Canon 2C;
- (g) Conduct involving improper judicial influence and abuse of the prestige of office to advance personal business interests in violation of the Code of Judicial Conduct, Canon 3C;
- (h) Improper campaign conduct, including participation in the use of any form of public communication that is false, in violation of the Code of Judicial Conduct, Canon 7B(1) (a)(b) and (d);
- (i) Conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, which reflects adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of Rule 8.4 of the Rules of Professional Conduct;
- (j) Conduct violating MCR 9.104 in that it is prejudicial to the administration of justice, contrary to MCR 9.104(1); exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(2); is contrary to justice, ethics, honesty, or good morals, contrary to MCR 9.104(3); and violates

standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4);

- (k) Conduct constituting a misdemeanor in violation of MCLA 168.544c, which provides that a person not a circulator who signs as a circulator, or a person who knowingly makes a false statement in the certificate is guilty of a misdemeanor, as well as the circulator, if different than the person who violated the above provisions, and the candidate whose nomination is sought; and
- (l) A pattern of knowingly and intentionally engaging in fraudulent, dishonest conduct.

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the Complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances that pertain to Respondent's alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN  
3034 W. Grand Boulevard, Suite 8-450  
Detroit, MI 48202

By: \_\_\_\_\_  
Paul J. Fischer (P 35454)  
Examiner

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Anna Marie Noeske (P 34091)  
Associate Examiner

Dated:  
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